

AL-14-000-7677

Congress of the United States
Washington, DC 20510

March 19, 2014

Mr. Mathy Stanislaus
Assistant Administrator for the Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Mr. Stanislaus,

We write to support the enclosed requests from Colorado's Governor and several local governments that the Colorado Smelting Company site in Pueblo be included in the EPA's Superfund program.

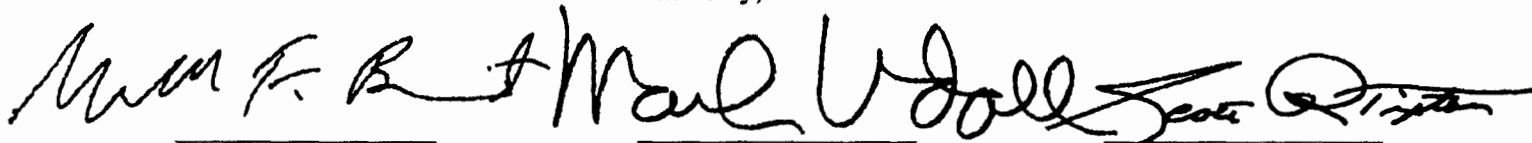
During its operation from 1883 to 1908, the Colorado Smelting Company contaminated portions of Pueblo with lead, arsenic, and a variety of other heavy metals. Recent soil tests conducted by EPA and the Colorado Department of Public Health and Environment (CDPHE) found that the contamination has spread from the smelter site to nearby residential neighborhoods. These tests confirmed lead and arsenic in several neighborhood yards were three times higher than average background samples.

Last month, we were contacted by local governments concerned about the health implications of this contamination, particularly on children. The local community lacks the funds necessary to remediate the pollution and they feel that inclusion of the site in the Superfund program would provide adequate resources for immediate and ongoing cleanup efforts.

While Pueblo supports including the site in the Superfund program, some concerns have been raised that a designation followed by a protracted cleanup effort may lead to lower-than-average property values in the area. Therefore, we are requesting that any EPA designation be accompanied by an action plan with a strict and aggressive timetable for completion of the cleanup.

The community stands ready to partner with your agency to remediate the site in a manner that ensures the safety of local residents while maintaining property values and the reputation of the area. Thank you for your consideration.

Sincerely,



Michael F. Bennet
United States Senator

Mark Udall
United States Senator

Scott Tipton
Member of Congress

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol
Denver, Colorado 80203
Phone (303) 866-2471
Fax (303) 866-2001



John W. Hickenlooper
Governor

January 21, 2014

Mr. Shaun McGrath
Regional Administrator
United States Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Dear Mr. McGrath:

We are writing to express our conditional support, per the Superfund law, of designating a smelter site in Pueblo, Colorado, as a Superfund site eligible for cleanup and assistance.

As you and the staff at the regional office of the U.S. Environmental Protection Agency (EPA) know, Pueblo was once home to five ore smelters. Some of these smelters have resulted in a legacy of residual contamination. In 2009 and 2010, the Colorado Department of Public Health and Environment (CDPHE), in coordination with the EPA, performed Superfund site assessments of the former Blende and Colorado Smelter sites, respectively. Site assessment sampling results revealed lead and arsenic present in residential soil in the vicinity of both smelters at concentrations in excess of EPA and CDPHE health-protective benchmarks. We appreciate EPA's response to CDPHE's referral of the Blende Smelter site. Using its Emergency Response authority, in 2011 EPA removed nearly 19,000 tons of contaminated soil from eleven residential properties within the footprint of the historic smelter.

The former Colorado Smelter site consists of a large slag pile and encompasses portions of a residential community. The soil sampling results indicate that a cleanup is necessary to protect the health of current and future residents. Based on the complexity and anticipated costs, the best program to undertake the cleanup is the Comprehensive Environmental Response Compensation and Liability Act or Superfund. The City of Pueblo and Pueblo County have requested that this site be added to the Superfund National Priorities List. We support this listing, as long as certain protections are put in place to be responsive to the concerns of the local community that would be affected the most by designation of a federal Superfund site.

We stress the importance of EPA addressing the concerns and expectations raised by the Eiler Heights and Bessemer community in the January 9, 2014 letter (attached) and the included Guidelines for the Superfund Designation developed at the January 6, 2014 neighborhood association meeting. We also share for your consideration the handwritten comments from residents and business owners. In addition, we urge EPA to address the concerns raised by elected officials in the December 31, 2013 letter (attached). It is critical that EPA continue to work with the community and that you keep the community apprised of actions to be taken and progress made. The community desires a significant level of involvement in the Superfund process, especially where decisions are made that could impact them directly, such as soil remediation levels and Superfund liability.



A JOINT LETTER FROM THE
CITY COUNCIL, CITY OF PUEBLO and
BOARD OF COUNTY COMMISSIONERS, PUEBLO COUNTY

December 31, 2013

The Honorable John W. Hickenlooper
Governor of the State of Colorado
136 State Capitol
Denver, Colorado 80203-1792

Subject: Proposed Listing of the Colorado Smelter site on the EPA's Superfund National
Priorities List

Dear Governor Hickenlooper:

We need your help to gain access for Colorado to millions of federal dollars that are potentially available to improve an historic area in Pueblo, protect public health, boost the local economy, provide badly needed local jobs, and make our community a cleaner, safer, more attractive place to live and work. This letter is being sent to formally request a letter from you to the EPA supporting the listing of the Colorado Smelter Site located here in Pueblo on the EPA's National Priorities List.

The US Environmental Protection Agency's Region 8 is actively considering the possible addition of the old Colorado Smelter site on Pueblo's south side to the National Priority list for cleanup. The site is contaminated with lead and arsenic and is adjacent to residential neighborhoods, portions of which are also contaminated.

People who live in these areas are routinely exposed to these toxic metals and are subjected to a number of immediate and long term negative health consequences, including brain and nervous system damage and increased cancer risk. Our youngest and growing children as well as our as-yet-unborn are especially vulnerable to the adverse effects of exposure to these toxins.

As elected officials representing Pueblo, we share responsibility for protecting the people, the neighborhoods, and the economy of this community. Yet neither the Pueblo community, nor our local governments, possesses the resources necessary to resolve this complex problem.

Thus we have concluded that the Superfund program is the most logical and best option to comprehensively address both the residential yard contamination as well as the residual slag pile and to provide the most appropriate clean up for this site. We are anxious to see the EPA proceed with listing of this site and anxious to see these historic areas restored to safe and productive use.

For the EPA to proceed, they need to hear from you that the State supports listing. We strongly urge you to write a letter to the EPA as soon as possible indicating your support for the listing of the Colorado Smelter Site on its Superfund National Priorities List and ask them to move forward expeditiously with this critical cleanup project. We would also respectfully request that your letter to the EPA request that the listing and cleanup process:

1. Assure the availability of federal, state, and other third-party funding to make certain that this project, once undertaken, does not languish;
2. Assure that the neighborhood landowners, small business owners, and local governments are not held liable for the costs of the clean-up now or in the future;
3. Make certain that funding is available for programs that focus on childhood well-being to include education programs which provide information to parents designed to reduce children's exposure to lead sources;
4. Provide for meaningful community and local government input at all stages of the remedial process, from inception through completion, through appropriate methods including the establishment of a local advisory group, or groups, representative of all of the appropriate local interest groups including residents in the involved areas surrounding the smelter site and the City and County governments;
5. Move quickly so that any negative consequences of this process are minimized;
6. Isolate the slag pile and any other highly contaminated areas pending cleanup, and address publicly accessible areas first where imminent high-level threats are found, including homes, vacant land, commercial properties, and Benedict Park, with the goal of cleaning up and restoring those areas within five years if possible ;
7. Set the boundaries of the Superfund site at the earliest possible date and change those boundaries only after ample notice and opportunity for meaningful local and state review and input;
8. Ensure that the EPA and CDOT work together to maximize efficiency and assure adequate resources to expedite positive conclusion of both projects in the area;
9. Ensure that quality of testing follows EPA guidance and that remediation results meet all federal and state soil and human health protection levels and that remediated land is safe and available for reasonable future uses;
10. Provide job training grants that will foster workforce development and help with cleanup and revitalization, and assure that workers hired for the project have completed proper training programs;

11. Assist with the revitalization and long-term economic improvements of the neighborhood by ensuring that the "whole home" and surrounding soils (to include lead based paint) are cleaned up and improved; and

12. Ensure that the local economy and the Eiler's neighborhood are benefited by the characterization and cleanup activities, not harmed.

Many recommendations from area residents, including the Eiler's and Bessemer Neighborhood Associations, have been incorporated into this letter and it is anticipated that more questions and concerns will arise as the process proceeds and we learn more. We look forward to working with you and the EPA to assure that the entire effort involves and protects all of those affected by the cleanup effort.

We would be truly grateful for your support in this critically important matter for our Community.

Sincerely,

From City Council,
City of Pueblo, Colorado:

The Board of County Commissioners,
Pueblo County, Colorado:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 17 2014

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Michael F. Bennet
United States Senate
Washington, D.C. 20510

Dear Senator Bennet:

Thank you for your letter of March 19, 2014, supporting the requests of Colorado's Governor and local government officials to place the Colorado Smelter site, located in Pueblo, Colorado, on the U.S. Environmental Protection Agency (EPA) Superfund National Priorities List (NPL). In May 2014, the agency proposed the Colorado Smelter site to the NPL. After the close of a 60-day public comment period, the EPA will make a final listing decision after considering all comments received.

Enclosed is a copy of the response from EPA Region 8 Administrator to Governor Hickenlooper regarding his letter of January 21, 2014, concerning conditional support to designate this site to the NPL. The EPA acknowledges your concerns about the Superfund designation of a contaminated site and how this action could affect the property values of neighboring communities in close proximity to the site. Regarding community property values, a 2013 study conducted by researchers at Duke University and the University of Pittsburgh found that property values within three miles of sites where Superfund cleanups were completed increased approximately 20 percent. We also share your concern about conducting a timely and effective cleanup and the health impacts of nearby residents. We will work closely with all stakeholders to develop a course of action that is collaborative and comprehensive.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at snyder.raquel@epa.gov, or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, reading "Mathy Stanislaus", is positioned above the typed name.

Mathy Stanislaus
Assistant Administrator

Enclosure

United States Senate
WASHINGTON, DC 20510

February 20, 2013

The Honorable Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Acting Administrator Perciasepe:

We are writing to urge the Environmental Protection Agency (EPA) to prioritize and conduct risk assessments on additional flame retardant chemicals that present a hazard to human health and are not currently being phased out of production. These flame retardants are used in large volumes across a wide range of consumer products, including furniture, electronics, and baby products. Recent peer-reviewed research has only heightened existing scientific concerns that these chemicals pose a serious risk to human health and the environment. As a result, EPA's risk assessments would provide critical information to the public and Congress regarding this class of chemicals.

Flame retardants are mixed into a number of household products in order to raise the temperature at which they begin to burn, purportedly making the products more flame resistant. However, the Consumer Product Safety Commission has found that in many cases these chemicals do not provide any significant protection against the risk of fires.

Instead, a growing body of scientific research has found that flame retardant chemicals are toxic, persist in our environment, and accumulate in our bodies. Specifically, the EPA and other authoritative scientific bodies have found that some of these chemicals are linked to cancer as well as serious neurological and reproductive diseases.

It is particularly concerning that peer-reviewed research shows that a typical American baby is born with the highest recorded blood concentrations of flame retardants among infants in the world. Children are exposed to flame retardants primarily through household dust, making babies and toddlers particularly vulnerable since they spend a significant amount of time playing on the floor.

Two recent peer-reviewed studies heighten existing concerns surrounding flame retardants. The first ([Stapleton et al., 2012](#)) examined more than 100 samples of polyurethane foam taken from couches that have been in use in the U.S. over the past 25 years. Nearly all of the samples contained flame retardant chemicals. The second study ([Dodson et al., 2012](#)) found 41 chemicals of concern in dust samples taken from homes in California, including Chlorinated Tris, a carcinogenic flame retardant banned from children's pajamas in the 1970s.

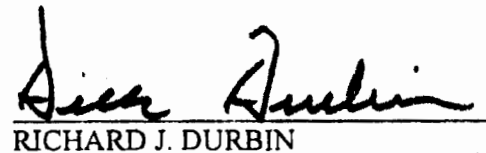
These studies demonstrate that Americans, and particularly children, continue to be exposed to toxic flame retardant chemicals on a daily basis in their homes. This is a serious public health concern that requires a risk assessment by EPA.

We applaud the actions EPA has taken already to address individual flame retardants and small groups of structurally-related flame retardants. Despite these efforts, there are still a number of flame retardant chemicals in widespread use that are not scheduled for risk assessment or other action by EPA. In addition, the agency continues to be limited by its lack of authority under the Toxic Substances Control Act (TSCA) to adequately protect Americans' health from dangerous chemicals. It is striking that, even if the agency determines that a chemical substance poses a risk to public health, its options for managing and mitigating that risk are severely constrained.

We urge the agency to use all of its available tools to evaluate the risks associated with flame retardant chemicals, while continuing to work with Congress to modernize and reform TSCA. We look forward to continuing to work together to protect American families from toxic chemicals.

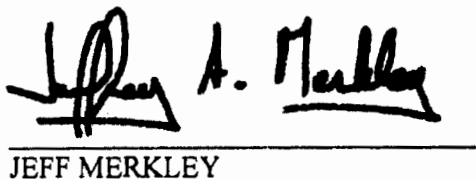
Sincerely,


FRANK R. LAUTENBERG


RICHARD J. DURBIN


PATTY MURRAY


RON WYDEN


JEFF MERKLEY


TOM HARKIN


BENJAMIN L. CARDIN


CHARLES E. SCHUMER

Kirsten E. Gillibrand
KIRSTEN E. GILLIBRAND

Jon Tester
JON TESTER

Bernard Sanders
BERNARD SANDERS

Tom Udall
TOM UDALL

Amy Klobuchar
AMY KLOBUCHAR

Dianne Feinstein
DIANNE FEINSTEIN

Al Franken
AL FRANKEN

Michael F. Bennet
MICHAEL F. BENNET

Elizabeth Warren
ELIZABETH WARREN

William Cowan
WILLIAM COWAN

Patrick J. Leahy
PATRICK J. LEAHY

Richard Blumenthal
RICHARD BLUMENTHAL

Max Baucus
MAX BAUCUS

Sheldon Whitehouse
SHELDON WHITEHOUSE

Jeanne Shaheen
JEANNE SHAHEEN



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 5 2013

The Honorable Michael F. Bennet
United States Senate
Washington, DC 20510

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dear Senator Bennet:

Thank you for your letter of February 20, 2013, to the U.S. Environmental Protection Agency (EPA), regarding flame retardant chemicals.

The EPA agrees with your interest in the development of risk assessments on flame retardant chemicals that may pose a risk to the public. As you may be aware, the agency has publicly outlined a screening process for prioritizing and conducting risk assessments on chemicals based on a range of characteristics, including persistence, bioaccumulation, and use in children's products. Based on this screening process, the EPA identified 83 chemicals for risk assessment under the Toxic Substances Control Act (TSCA); in March 2012, the EPA made the TSCA Work Plan public and identified seven chemicals for risk assessment development in 2012.¹

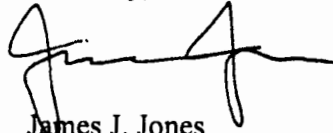
On March 27, 2013, the EPA announced the list of chemicals for assessment in 2013, which includes 20 flame retardant chemicals. We will conduct a full risk assessment for four of the flame retardant chemicals, three of which are on the TSCA Work Plan and one that was the subject of an Action Plan developed under TSCA. The chemicals are 2-Ethylhexyl ester 2,3,4,5-tetrabromobenzoate (TBB); 1,2-Ethylhexyl 3,4,5,6-tetrabromo-benzenedicarboxylate, or (2-ethylhexyl)-3,4,5,6 tetrabromophthalate (TBPH); Tris(2-chloroethyl) phosphate (TCEP); and Hexabromocyclododecane (HBCD), the Action Plan chemical.

The EPA will utilize a structure-based approach, grouping eight other flame retardants with similar characteristics together with the chemicals targeted for full assessment, in three groupings. The agency will use the information from these assessments to better understand those chemicals in the group that currently lack sufficient data for a full risk assessment. The agency will also begin environmental fate investigations of additional flame retardant chemicals that rank high for persistence, bioaccumulation or exposure potential, but for which there are not adequate data to conduct risk assessments. Enclosed is a copy of the agency's plan for chemical assessment in 2013.

¹ In June 2012, the EPA identified an additional 18 TSCA Work Plan chemicals that the agency intends to review and develop risk assessments for in 2013 and 2014, which included three flame retardant chemicals. In January 2013, the agency released for public comment and peer review the first five draft risk assessments.

We will keep you and your staff informed as we proceed with this effort. Again, thank you for your letter. If you have further questions, please feel free to contact me or your staff may call Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read 'James J. Jones', with a long horizontal flourish extending to the right.

James J. Jones
Acting Assistant Administrator

Enclosure

AL-14-000-4154

United States Senate

WASHINGTON, DC 20510

January 22, 2014

The Honorable Gina McCarthy
EPA Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

We are writing to share serious concerns regarding the EPA's proposal for the 2014 Renewable Volume Obligations (RVOs) under the Renewable Fuel Standard (RFS.) Congress passed the RFS to increase the amount of renewable fuel utilized in our nation's fuel supply. The Administration's proposal is a significant step backward – undermining the goal of increasing biofuels production as a domestic alternative to foreign oil consumption. Further, the proposed waiver places at risk both the environmental benefits from ongoing development of advanced biofuels and rural America's economic future. We urge you to modify your proposal.

The Renewable Fuel Standard (RFS) provides the EPA with significant authority to adjust to shifting conditions over the 15-year life of the policy. In any given year, EPA can adjust the advanced biofuel and total biofuel volumes based on anticipated production. While EPA has used the authority to adjust biofuels levels in the past based on anticipated production levels, your proposal, for the first time, adjusts the 2014 overall volumes based on criteria not clearly identified in the law *below* anticipated production levels of biofuels and even *below* previous years' RFS levels.

Further, defining the "blend wall" as blends of E10 and then waiving RFS requirements beyond the blend wall creates significant barriers to future biofuels growth. Lack of infrastructure remains one of the key hurdles to further deployment of biofuels into the market. Limiting RFS to levels that can be met with existing infrastructure eliminates incentives to invest in the technologies and infrastructure necessary to meet our domestic policy goal of increasing biofuels production and use.

If the rule as proposed were adopted, it will:

- Replace domestic biofuel production with fossil fuels, contributing to a greater dependence on foreign sources of oil and reduce our energy security.
- Increase unemployment as renewable fuel producers cut back production.
- Halt investments in cellulosic, biodiesel and other advanced renewable fuels. Rolling back the RFS will, potentially strand billions of dollars of private capital;
- Undermine the deployment of renewable fuels infrastructure throughout the country;
- Threaten the viability of the RFS, thereby solidifying an oil-based transportation sector and lowering consumer choice at the pump.

With these concerns in mind, we request that EPA revise the proposed 2014 RVOs in a manner that promotes investments in the next generation of biofuels and the infrastructure necessary to deploy those fuels into the market. Without a revised proposal, the EPA's rule will bring severe economic consequences, and prevent the growth of the renewable fuel sector.

Thank you in advance for your consideration.

Sincerely,

Diana Doolin

Al Franken

Tom Harkin

Joe Donnelly

Tim Wirth

Mark Udall

Myrland Bruce

Heidi Heitkamp

Chuck Grassley

John Thune

Brian Schatz

Jack Reed

Sheldon Whitehouse

Sheldon Brown

Chris McCasill

Jeanne Shaheen

Clara Kim

Mazzi K. Diano

Elizabeth Ham

Jim Johnson

Maria Cantucci

Seb Fischer

Mike Johnson

Rebbie Starnow

Amy Klobuchar

Patty Murray

Edward J. Markey

Ray Bend

John Hosen

Don Coats

Wm F. B. A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 18 2014

OFFICE OF
AIR AND RADIATION

The Honorable Michael F. Bennet
United States Senate
Washington, D.C. 20510

Dear Senator Bennet:

Thank you for your letter dated January 22, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the 2014 volume requirements under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond to you on her behalf.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we have requested comment on whether to raise the biomass-based diesel volume requirement.

I want to emphasize that this is a proposal, and that the EPA has requested comment on many aspects of the proposed rule, including the methodology for determining volumes. The EPA also expects to receive additional data before finalizing the rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule, and your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

A handwritten signature in dark ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 08 2014

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Michael Bennet
United States Senate
Washington, D.C. 20510

Dear Senator Bennet:

The U.S. Environmental Protection Agency's (EPA) Superfund program will be proposing to add the Colorado Smelter site, located in Pueblo, Colorado, to the National Priorities List (NPL) by rulemaking. The EPA received a governor/state concurrence letter supporting the listing of this site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your state, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus".

Mathy Stanislaus
Assistant Administrator

Enclosures

NATIONAL PRIORITIES LIST (NPL)

Proposed Site

May 2014

COLORADO SMELTER | **Pueblo, Colorado**
| *Pueblo County***📍 Site Location:**

The site is a former silver and lead smelter located within a residential and commercial area of south Pueblo, in Pueblo, County, Colorado.

📖 Site History:

The Colorado Smelter was constructed in a ravine between Santa Fe Avenue and the Denver & Rio Grande railroad tracks and operated from 1883 to 1908. From 1883 to 1888, 37,659 tons of bullion containing 4,436,099 ounces of silver and 11,887 ounces of gold was produced. In 1899, the Colorado Smelter was merged into the American Smelting and Refining Company; the facility closed in 1908. The site was originally reported to the EPA via a citizen complaint of an orange discharge to the Arkansas River. In 2010, the Colorado Department of Public Health and Environment conducted a focused site inspection (SI) at the former Colorado Smelter, including nearby residential areas and the Arkansas River.

📊 Site Contamination/Contaminants:

Residential soil and the remaining slag onsite contain lead and arsenic. An onsite seep is contaminated with arsenic, cadmium, copper, lead, manganese and zinc. Historical information indicates that the height of the main smelter stack was 200 feet; therefore, past smelter stack emissions are an additional source of lead and arsenic contamination in nearby soils.

🏘️ Potential Impacts on Surrounding Community/Environment:

Exposure to contaminated slag and soil is the primary concern at the former Colorado Smelter. The site is accessible and there are remnants of former buildings and slag piles at the site. Sampling of soil in the residential areas found arsenic and lead significantly above health-based concentrations and above levels that would be considered naturally occurring in soil.

🛠️ Response Activities (to date):

There have been no response activities.

📋 Need for NPL Listing:

The site consists of an approximately 700,000 square foot slag waste pile and many residential yards with high levels of lead and arsenic that pose a risk to residents. The size of the slag pile and the large number of contaminated yards indicate that listing the site on the NPL, as opposed to addressing the site through other programs, would be the most effective approach for cleaning up contamination. The EPA received a letter of support for placing this site on the NPL from the state.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaq/index.asp> or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

NATIONAL PRIORITIES LIST (NPL)

Proposed Site

May 2014

COLORADO SMELTER | Pueblo, Colorado Pueblo County

Site Location:

The site is a former silver and lead smelter located within a residential and commercial area of south Pueblo, in Pueblo, County, Colorado.

Site History:

The Colorado Smelter was constructed in a ravine between Santa Fe Avenue and the Denver & Rio Grande railroad tracks and operated from 1883 to 1908. From 1883 to 1888, 37,659 tons of bullion containing 4,436,099 ounces of silver and 11,887 ounces of gold was produced. In 1899, the Colorado Smelter was merged into the American Smelting and Refining Company; the facility closed in 1908. The site was originally reported to the EPA via a citizen complaint of an orange discharge to the Arkansas River. In 2010, the Colorado Department of Public Health and Environment conducted a focused site inspection (SI) at the former Colorado Smelter, including nearby residential areas and the Arkansas River.

Site Contamination/Contaminants:

Residential soil and the remaining slag onsite contain lead and arsenic. An onsite seep is contaminated with arsenic, cadmium, copper, lead, manganese and zinc. Historical information indicates that the height of the main smelter stack was 200 feet; therefore, past smelter stack emissions are an additional source of lead and arsenic contamination in nearby soils.

Potential Impacts on Surrounding Community/Environment:

Exposure to contaminated slag and soil is the primary concern at the former Colorado Smelter. The site is accessible and there are remnants of former buildings and slag piles at the site. Sampling of soil in the residential areas found arsenic and lead significantly above health-based concentrations and above levels that would be considered naturally occurring in soil.

Response Activities (to date):

There have been no response activities.

Need for NPL Listing:

The site consists of an approximately 700,000 square foot slag waste pile and many residential yards with high levels of lead and arsenic that pose a risk to residents. The size of the slag pile and the large number of contaminated yards indicate that listing the site on the NPL, as opposed to addressing the site through other programs, would be the most effective approach for cleaning up contamination. The EPA received a letter of support for placing this site on the NPL from the state.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaqs/index.asp> or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

United States Senate

WASHINGTON, DC 20510

May 19, 2014

Janet McCabe
Acting Assistant Administrator for the Office of Air and Radiation
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Acting Assistant Administrator McCabe,

We write to request that you consider the views of Colorado's rural electric cooperatives as you work to craft and finalize the EPA's rules to control carbon pollution from existing power plants. Some Colorado rural electric cooperatives and households that we represent are concerned that the usual 60-day comment period may not be sufficient for them to adequately compile their thoughts on a rule of this scope and potential impact to such a broad range of stakeholders. Therefore, we ask that you strongly consider an extension beyond this 60-day period that allows for thorough compilation of comments representing the rural perspective.

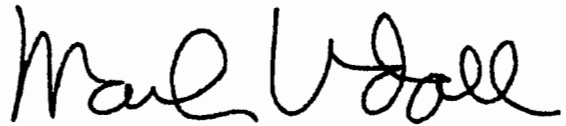
Colorado's municipalities, investor-owned utilities and rural electric cooperatives have made great strides in increasing energy efficiency and deploying renewable sources like wind, solar, and geothermal in recent years. These advances make our state well-positioned to comply with commonsense rules that seek to reduce carbon pollution. As EPA contemplates these rules, we hope you will take the perspectives of our rural electricity consumers and providers into account and allow them ample time to offer feedback on the agency's proposals. We feel that on any proposal with implications of this magnitude, the federal government should strive for maximum public participation and include a longer period than is normally planned.

Thank you for your consideration and your commendable work to clean up the nation's air through your upcoming rulemaking.

Sincerely,



Michael F. Bennet
United States Senator



Mark Udall
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN -2 2014

OFFICE OF
AIR AND RADIATION

The Honorable Michael F. Bennet
United States Senate
Washington, D.C. 20510

Dear Senator Bennet:

Thank you for your letter of May 19, 2014 to Administrator Gina McCarthy, requesting that the U.S. Environmental Protection Agency provide an extended comment period on our proposed Clean Power Plan, also known as the Carbon Pollution Guidelines for Existing Power Plants. The Administrator has asked me to respond on her behalf.

As you know, the EPA conducted unprecedented outreach while developing this proposal. We met with stakeholders from around the country, including representatives from state and local governments, electric utilities, and civil society. Among the many creative ideas and constructive comments offered were requests similar to yours, to ensure that the comment period allowed the public sufficient time to provide meaningful input on this proposed rule.

Recognizing that the proposal asks for comment on a range of issues, some of which are complex and novel, the EPA has decided to propose this rule with a 120-day comment period. This will allow the EPA to solicit advice and information from the many stakeholders and citizens who we expect will be interested in this rulemaking, giving us the best possible information on which to base a final rule. The proposed rule, as well as information about how to comment and supporting technical information, are available online at: <http://www.epa.gov/cleanpowerplan>. Comments on the proposed guidelines should be identified by Docket ID No. EPA-HQ-OAR-2013-0602.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin J. Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "J. McCabe".

Janet G. McCabe
Acting Assistant Administrator

United States Senate
WASHINGTON, DC 20510

July 31, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

The Honorable John M. McHugh
Secretary
U.S. Department of the Army
The Pentagon, Room 3E700
Washington, DC 20310

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250

Dear Administrator McCarthy, Secretary McHugh, and Secretary Vilsack:

We are writing regarding the Clean Water Act jurisdictional rule and interpretive rule jointly proposed by the Environmental Protection Agency and the U.S. Army Corps of Engineers that intend to clarify the scope of waters protected by the Clean Water Act (CWA). While we have long been supporters of the Clean Water Act protecting our nation's water resources, we want to make sure that the proposed jurisdictional rule and the interpretive rule do not have unintended effects on agriculture and on the conservation practices currently used by many of our nation's farmers and ranchers.

Voluntary conservation practices supported by USDA and expanded in the 2014 Farm Bill are the federal government's largest investment in the conservation of private working lands and critical to maintaining clean water, clean air, wildlife habitat, and other benefits. The proposed "waters of the US" rule and the interpretive rule could undermine progress made in the 2014 Farm Bill if they create an atmosphere of uncertainty that results in fewer conservation practices or significant new burdens for our nation's farmers and ranchers. We are glad to see the existing exclusions and exemptions for normal farming activities are maintained in the current proposed rule. However, based on concerns and questions that we are hearing from agricultural stakeholders, we would like clarification on a number of issues surrounding both the proposed

rule and the interpretive rule so we can ensure the continued promotion of conservation in farming and ranching practices.

It is our understanding that the purpose of the interpretive rule is to promote conservation practices and provide regulatory certainty for farmers and ranchers. After speaking with stakeholders across the country, many are concerned that the intent of the interpretive rule will not be met. As a measure to address the concerns we have heard from farmers and ranchers, we identified specific issues that we would ask you to address regarding both the proposed rule and the interpretive rule.


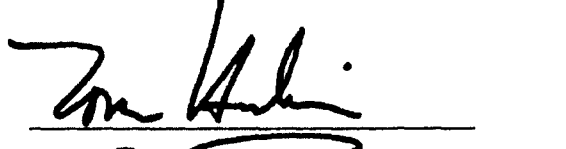

- 1) Agency documents and congressional testimony state that the purpose of the interpretive rule is to provide certainty to farmers and ranchers by stating in advance that specific conservation practices are exempt from CWA permitting. However, before the release of the interpretive rule, the idea that conservation practices could ever trigger CWA permitting did not exist. By carving out a specific exemption for a certain number of conservation practices, an assumption has been created that but for this list, these certain conservation practices would have required a CWA permit. Is this true?
- 2) Privacy is of great concern to farmers, ranchers and forest owners. Many groups we have heard from are worried the interpretive rule could expose farmers and ranchers to citizen suits if they are not in compliance with NRCS standards. Can you tell us if the increased threat of citizen suits is real and if there are steps that EPA can take to insulate agriculture from unnecessary citizen suits?
- 3) The interpretive rule has also raised questions over requirements for conservation practices not included on the list. Many farmers and ranchers believe conservation practices have always qualified for the Section 404 "normal farming" activity exemption. However, issuing an interpretive rule with a finite number of conservation practices suggests that this was not always the case. Many stakeholders are concerned that conservation practices not included on the list of 56 practices automatically require a CWA permit. Can you clarify what the interpretive rule means for NRCS conservation practices not included on the list of 56 exempt practices? Did the EPA, Army Corps, and NRCS consider broadening the interpretive rule to cover more conservation activities?
- 4) Another question the interpretive rule raises is its effect on existing conservation efforts. NRCS provides important and valuable resources for conservation; but, as you know, there are many conservation efforts which do not involve NRCS financial or technical resources. Some stakeholders are concerned that requiring NRCS compliance in order to qualify for a CWA permit exemption could be damaging to existing conservation work not carried out with NRCS. For example, NRCS worked with the dairy industry to create the Dairy Environmental Handbook, which outlines best management practices for producers. Some of these practices are based on NRCS standards; however, they do not necessarily mirror NRCS requirements. If a producer follows guidelines in the Handbook, rather than guidelines from NRCS, will they be subject to liability under the CWA? Does the interpretive rule make this problem worse or does it help producers in this situation?


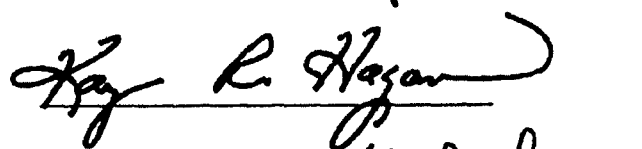

- 5) Switching attention to the proposed "waters of the US" rule, many questions have been raised about intermittent streams and low-lying areas on fields. Some concerned stakeholders believe that flow and runoff from fields may be categorized as tributaries, and thus regulated under the proposed rule. To this point, the proposed rule states that ephemeral features located on agricultural lands that do not possess a bed and bank are not tributaries. We believe defining the term *bed and bank* will significantly help resolve confusion as to which agricultural features can be classified as tributaries. Does the agency have plans to define these terms?
- 6) Farm drainage and ditches also raise significant concerns. EPA and the Army Corps clearly state in the proposed rule that upland ditches are exempt from permitting. In a guidance document on the EPA website, it states that the agency intends to include ditches collecting runoff or drainage from crop fields as upland ditches. However, the rule itself mentions only "ditches that are excavated wholly in uplands, drain only uplands, and have less than perennial flow." Many producers are concerned because their farms contain fields in floodplains. Because the ditches on these low-lying fields would not be considered upland ditches, they are concerned that these ditches are now jurisdictional. Can you please address this concern?

We appreciate the challenge of crafting rules designed and intended to protect our nation's waters in a manner that is both consistent with the original purpose of the Clean Water Act, but also protects farmers and ranchers from unnecessary regulations that inhibit their ability to produce food and fiber for our nation and the world. Given the many uncertainties that remain regarding the effects this rule may have on agriculture, some of which are identified in this letter, we request that you reach out to stakeholders, both small and large, to better understand their concerns as you continue to consider this rule.

We look forward to your responses, and also working with you to better meet the interests of our nation's farmers and ranchers.

Sincerely,

Jim Johnson

Shirley Brown

Bob Carey, Jr.

Wm F. B. A

Deane Staker

Jimmy Baldie

Mark R. Werner



OCT 6 2014

The Honorable Michael F. Bennet
United States Senate
Washington, D.C. 20510

Dear Senator Bennet:

Thank you for your July 31, 2014, letter to the U.S. Environmental Protection Agency (EPA), the U.S. Department of the Army (Army) and the U.S. Department of Agriculture (USDA) regarding the Clean Water Act (CWA) jurisdictional rule jointly developed by EPA and the Army, and the Interpretive Rule (IR) developed in collaboration with the USDA. We appreciate your strong support of the CWA and your personal efforts to protect water resources nationwide.

First and foremost, your expressed desire that the rules be clarified to provide even greater certainty for farmers and ranchers implementing conservation practices has been heard. We emphasize that a key and particular goal of the IR is to reduce regulatory burdens on farmers and ranchers and to promote their voluntary efforts to protect and enhance clean water throughout the nation. We look forward to working with you and the agriculture community to ensure that implementation of the IR effectively meets this goal.

Your letter raises several important questions about the proposed jurisdictional rule and the IR, both of which were designed to improve protection for clean water and reduce regulatory burdens for farmers and ranchers conducting agricultural conservation practices that benefit water quality. EPA and Army are meeting with farmers and ranchers nationwide to get their input on the IR and the proposed jurisdictional rule. We too have heard many of the same issues discussed in your letter and appreciate this opportunity to respond to your specific questions:

1. *"Agency documents and congressional testimony state that the purpose of the interpretive rule is to provide certainty to farmers and ranchers by stating in advance that specific Conservation practices are exempt from CWA permitting. However, before the release of the interpretive rule, the idea that conservation practices could ever trigger CWA permitting did not exist. By carving out a specific exemption for a certain number of conservation practices, an assumption has been created that but for this list, these certain conservation practices would have required a CWA permit. Is this true?"*

Quite simply, if you did not need a permit for a conservation practice before, you do not need one now. Our goal in preparing the IR was to provide farmers, ranchers, and forest owners with certainty that, in addition to previously identified exemptions, they do not need CWA section 404 permits for the 56 listed conservation practices. In previous

years, producers had sought permits for some of these activities, and the IR clarifies that is no longer necessary. There are many other normal farming practices that can be conducted without permits – the IR does not reduce the universe of practices that need a permit.

2. *"Privacy is of great concern to farmers, ranchers and forest owners. Many groups we have heard from are worried the interpretive rule could expose farmers and ranchers to citizen suits if they are not in compliance with NRCS standards. Can you tell us if the increased threat of citizen suits is real and if there are steps that EPA can take to insulate agriculture from unnecessary citizen suits?"*

During the comment period, the public expressed concern about citizen lawsuits, that the proposed jurisdictional rule, along with the IR, may actually promote such suits. We believe that the proposed jurisdictional rule will reduce citizen lawsuits by minimizing the waters that are in a gray area of jurisdiction. Further, the IR does not change, in any way, the citizen lawsuit provisions of the CWA. In fact, we believe the IR will help to reduce confusion and minimize litigation challenging farmers' use of the permit exemption. This is an important issue and we will work to provide additional information to our field staff, landowners and the public.

3. *"The interpretive rule has also raised questions over requirements for conservation practices not included on the list. Many farmers and ranchers believe conservation practices have always qualified for the Section 404 "normal farming" activity exemption. However, issuing an interpretive rule with a finite number of conservation practices suggests that this was not always the case. Many stakeholders are concerned that conservation practices not included on the list of 56 practices automatically require a CWA permit. Can you clarify what the interpretive rule means for NRCS conservation practices not included on the list of 56 exempt practices? Did the EPA, Army Corps, and NRCS consider broadening the interpretive rule to cover more conservation activities?"*

It is important to elaborate again that if you could undertake a conservation activity without a permit before, you can continue to do so now. The agencies identified 56 specific conservation practices that most often involve the placement of dredged or fill material in streams, wetlands or other waters, and therefore might trigger the need for a CWA section 404 permit. The remaining NRCS conservation practices either do not generally occur in waters or do not involve the discharge of dredged or fill material and, therefore, would never need a CWA section 404 permit. We will continue to work with NRCS and the public to revise the list of exemptions as needed and appropriate to promote the use of conservation practices under the CWA. It is also important to stress that these 56 practices do not represent the totality of activities that can qualify for the "normal farming practices" exemption.

4. *"Another question the interpretive rule raises is its effect on existing conservation efforts. NRCS provides important and valuable resources for conservation; but, as you know, there are many conservation efforts which do not involve NRCS financial or technical resources. Some stakeholders are concerned that requiring NRCS compliance*

in order to qualify for a CWA permit exemption could be damaging to existing conservation work not carried out with NRCS. For example, NRCS worked with the dairy industry to create the Dairy Environmental Handbook, which outlines best management practices for producers. Some of these practices are based on NRCS standards; however, they do not necessarily mirror NRCS requirements. If a producer follows guidelines in the Handbook, rather than guidelines from NRCS, will they be subject to liability under the CWA? Does the interpretive rule make this problem worse or does it help producers in this situation?"

Our principal goal in developing the IR is to reduce regulatory burdens on farmers and to promote the use of conservation practices that protect and enhance water quality. Encouraging greater use of conservation practices will have beneficial effects on water quality and the environment. The NRCS practice standards are a helpful and effective guide for how to design and implement conservation practices, but it is recognized that they are not the only methods and they are not the only activities exempt from permitting. Thus, a dairy farmer who follows the *Dairy Environmental Handbook* will not need a CWA permit.

5. *"Switching attention to the proposed "Waters of the US" rule, many questions have been raised about intermittent streams and low-lying areas on fields. Some concerned stakeholders believe that flow and runoff from fields may be categorized as tributaries, and thus regulated under the proposed rule. To this point, the proposed rule states that ephemeral features located on agricultural lands that do not possess a bed and bank are not tributaries. We believe defining the term bed and bank will significantly help resolve confusion as to which agricultural features can be classified as tributaries. Does the agency have plans to define these terms?"*

Defining the term "bed and banks" has been raised frequently as a constructive comment in our discussions with farmers across the country and we anticipate the issue to be further raised in written comments received on the proposed jurisdictional rule. It is anticipated that further clarification on this important issue will occur with publication of the final rule.

6. *"Farm drainage and ditches also raise significant concerns. EPA and the Army Corps clearly state in the proposed rule that upland ditches are exempt from permitting. In a guidance document on the EPA website, it states that the agency intends to include ditches collecting runoff or drainage from crop fields as upland ditches. However, the rule itself mentions only "ditches that are excavated wholly in uplands, drain only uplands, and have less than perennial flow." Many producers are concerned because their farms contain fields in floodplains. Because the ditches on these low-lying fields would not be considered upland ditches, they are concerned that these ditches are now jurisdictional. Can you please address this concern?"*

We are committed to clarifying and better aligning the website and the proposed jurisdictional rule to avoid confusion. All of the regulatory exclusions from "waters of the United States" listed in the proposed rule, including upland ditches with less than

in order to qualify for a CWA permit exemption could be damaging to existing conservation work not carried out with NRCS. For example, NRCS worked with the dairy industry to create the Dairy Environmental Handbook, which outlines best management practices for producers. Some of these practices are based on NRCS standards; however, they do not necessarily mirror NRCS requirements. If a producer follows guidelines in the Handbook, rather than guidelines from NRCS, will they be subject to liability under the CWA? Does the interpretive rule make this problem worse or does it help producers in this situation?"

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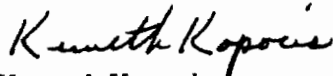
We are committed to clarifying and better aligning the website and the proposed jurisdictional rule to avoid confusion. All of the regulatory exclusions from "waters of the United States" listed in the proposed rule, including upland ditches with less than

perennial flow, will remain excluded from CWA jurisdiction even if, for example, they are located in floodplains. The term "upland" - as used in the proposed rule - means any land that is not a stream, river, wetland, lake, or other waterbody. Floodplains include both "upland" and waters. Consequently, ditches excavated from uplands located in the floodplain are considered upland ditches under the proposed rule and will not be subject to CWA jurisdiction.

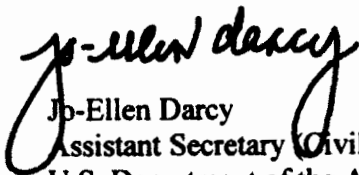
We are indeed thankful for having this opportunity to respond to your thoughtful letter. We trust and remain hopeful that our direct and straightforward answers reduce rather than add to the confusion. We intend to keep an active dialogue open throughout the remaining public comment period and thank you for helping us identify areas that warrant further discussion and consideration. Please note that in order to afford the public greater opportunity to comment on the EPA Science Advisory Board's report on the proposed jurisdictional rule and to respond to requests from the public for additional time to provide comments on the proposed rule, the public comment period on the proposed rule is being extended to November 14, 2014. A notice of extension will be published in the *Federal Register* shortly.

If you have any remaining questions, please contact us or your staff may call Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564- 4836, Chip Smith in the Office of the Assistant Secretary of the Army (Civil Works) at (703) 693-3655, or Patty Lawrence in USDA's Natural Resources Conservation Service at (202) 720-0134.

Sincerely,



Kenneth Kopocis
Deputy Assistant Administrator for Water
U.S. Environmental Protection Agency



Jo-Ellen Darcy
Assistant Secretary (Civil Works)
U.S. Department of the Army



Robert Bonnie
Undersecretary for Natural Resources and the Environment
U.S. Department of Agriculture

AL-15-000-3858



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 30 2014

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Michael Bennet
United States Senate
Washington, D.C. 20510

Dear Senator Bennet:

On December 11, 2014, the U.S. Environmental Protection Agency's (EPA) Superfund program added the Colorado Smelter site, located in Pueblo, Colorado, to the National Priorities List (NPL) by rulemaking published in the Federal Register. The EPA received a governor/state concurrence letter supporting the listing of this site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your state, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at snyder.raquel@epa.gov or (202) 564-9586.

Sincerely,

A handwritten signature in black ink, which appears to read "Mathy Stanislaus", is positioned above the printed name.

Mathy Stanislaus
Assistant Administrator

Enclosures

NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

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Each state and territory may designate one top-priority site regardless of score.

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Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
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Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit www.regulations.gov.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.

NATIONAL PRIORITIES LIST (NPL)

Final Site

December 2014

COLORADO SMELTER | **Pueblo, Colorado** *Pueblo County*

Site Location:

The site is a former silver and lead smelter located within a residential and commercial area of south Pueblo, in Pueblo, County, Colorado.

Site History:

The Colorado Smelter was constructed in a ravine between Santa Fe Avenue and the Denver & Rio Grande railroad tracks and operated from 1883 to 1908. From 1883 to 1888, 37,659 tons of bullion containing 4,436,099 ounces of silver and 11,887 ounces of gold was produced. In 1899, the Colorado Smelter was merged into the American Smelting and Refining Company; the facility closed in 1908. The site was originally reported to the EPA via a citizen complaint of an orange discharge to the Arkansas River. In 2010, the Colorado Department of Public Health and Environment conducted a focused site inspection (SI) at the former Colorado Smelter, including nearby residential areas and the Arkansas River.

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Residential soil and the remaining slag onsite contain lead and arsenic. An onsite seep is contaminated with arsenic, cadmium, copper, lead, manganese and zinc. Historical information indicates that the height of the main smelter stack was 200 feet; therefore, past smelter stack emissions are an additional source of lead and arsenic contamination in nearby soils.

Potential Impacts on Surrounding Community/Environment:

Exposure to contaminated slag and soil is the primary concern at the former Colorado Smelter. The site is accessible and there are remnants of former buildings and slag piles at the site. Sampling of soil in the residential areas found arsenic and lead significantly above health-based concentrations and above levels that would be considered naturally occurring in soil.

Response Activities (to date):

There have been no response activities.

Need for NPL Listing:

The site consists of an approximately 700,000 square foot slag waste pile and many residential yards with high levels of lead and arsenic that pose a risk to residents. The size of the slag pile and the large number of contaminated yards indicate that listing the site on the NPL, as opposed to addressing the site through other programs, would be the most effective approach for cleaning up contamination. The EPA received a letter of support for placing this site on the NPL from the state.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaq/index.asp> or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

Congress of the United States
Washington, DC 20515

December 18, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

The Honorable Sylvia Mathews Burwell
Director
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

cc: The Honorable Howard Shelanski, Administrator, Office of Information and
Regulatory Affairs

Dear Administrator McCarthy, Secretary Vilsack, and Director Burwell:

We are writing to urge the Administration to support regulatory action regarding the Renewable Fuel Standard (RFS) which is consistent with the current-year projections of 1.7 billion gallons of U.S. biodiesel production.

Setting the 2014 biodiesel volume requirement at lower levels could have a severe impact on the domestic biodiesel industry. Further, a continuation of 2013 levels paired with any reduction in advanced biofuel targets could have a similar damaging impact on the industry.

It is clear that biodiesel has been a great RFS success story. It has exceeded RFS targets in each year and is clearly poised to do so again in 2013. Biodiesel improves our energy security and reduces our dependence on imported petroleum diesel, while helping consumers by diversifying fuel supplies and by creating competition in the fuels market. The industry has had impressive growth, going far beyond initial expectations just five years ago, and is supporting some 62,200 jobs and nearly \$17 billion in total economic impact.

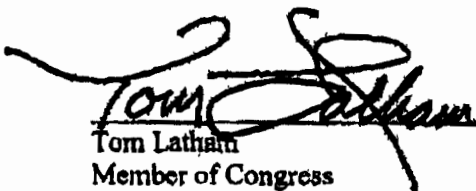
Biodiesel is the only Environmental Protection Agency (EPA)-designated advanced biofuel to achieve commercial-scale production nationwide and the first to reach 1 billion gallons of annual production. Keeping the targets stagnant, rather than allowing for the biodiesel industry to grow, could reduce production by at least 400 million gallons -- roughly 25 percent of production. This type of reduction could have very damaging repercussions. It could result in dozens of biodiesel facilities shutting down permanently and ceasing production. Such an outcome would lead to the loss of as many as 8,000

jobs. This would also jeopardize the future funding and investment in the U.S. biodiesel industry, which would severely impact the ability of those producers who did survive to expand and grow their businesses.

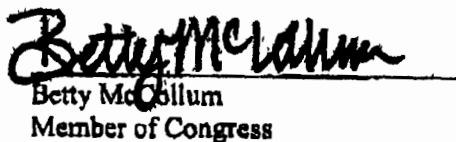
We think it is imperative that the EPA consider the many negative impacts which would come about as a result of limiting 2014 targets for biodiesel. An adverse decision would lead to an uncertain investment future for the industry, as well as a serious loss of jobs and the closure of many biodiesel facilities. We would strongly urge you to continue your support for this developing and fragile industry with a reasonable increase in the RFS volume requirement for 2014 and responsible growth in the future.

Thank you for your serious consideration of our request.

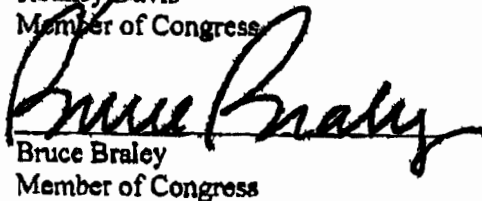
Sincerely,


Tom Latham
Member of Congress

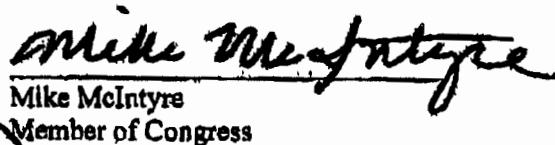

Steve King
Member of Congress

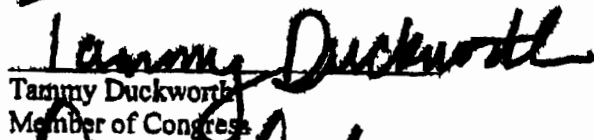

Betty McCollum
Member of Congress

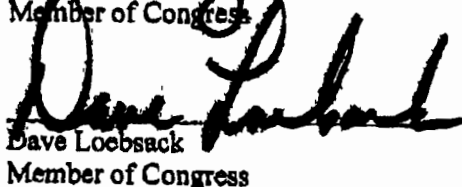

Rodney Davis
Member of Congress


Bruce Braley
Member of Congress

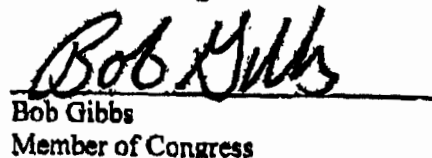

David Doggett
Member of Congress



Mike McIntyre
Member of Congress


Tammy Duckworth
Member of Congress


Dave Loebsack
Member of Congress

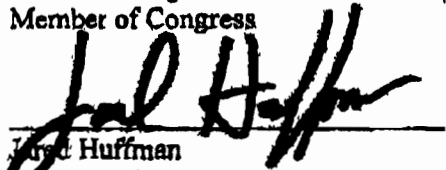

Rick Nolan
Member of Congress


Bob Gibbs
Member of Congress

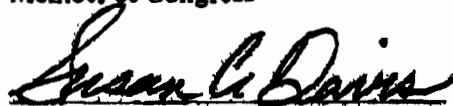

David Cicilline
Member of Congress



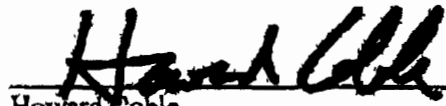
Adam Kinzinger
Member of Congress



Jared Huffman
Member of Congress



Susan Davis
Member of Congress



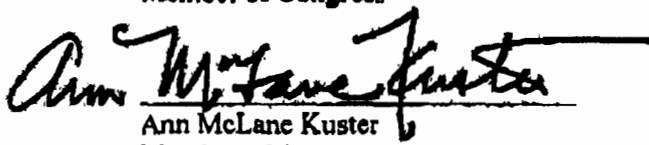
Howard Coble
Member of Congress



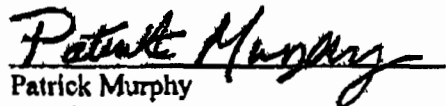
James Langevin
Member of Congress



Chellie Pingree
Member of Congress



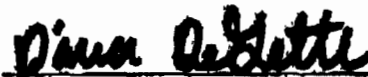
Ann McLane Kuster
Member of Congress



Patrick Murphy
Member of Congress



Cheri Bustos
Member of Congress



Diana DeGette
Member of Congress



Adam Smith
Member of Congress



Tim Walz
Member of Congress



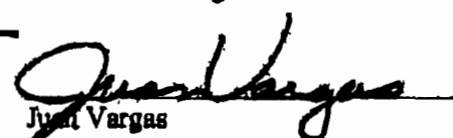
Rick Larsen
Member of Congress



Vicky Hartzler
Member of Congress



Mark Pocan
Member of Congress



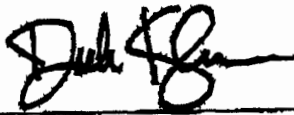
Juan Vargas
Member of Congress



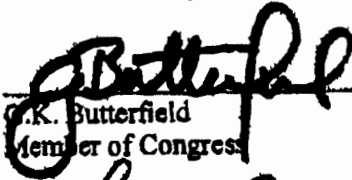
Allyson Schwartz
Member of Congress



Bill Owens
Member of Congress



Derek Kilmer
Member of Congress



G.K. Butterfield
Member of Congress



Sam Graves
Member of Congress



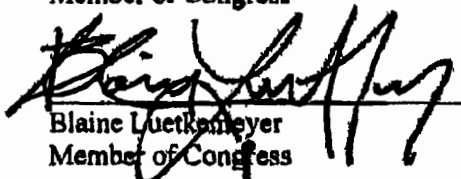
Suzan DelBene
Member of Congress



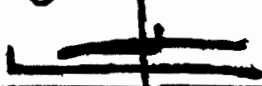
Kristi Noem
Member of Congress



Rosa DeLauro
Member of Congress



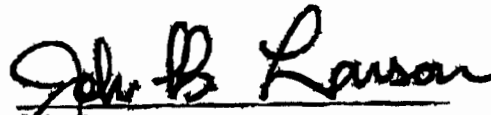
Blaine Luetkemeyer
Member of Congress



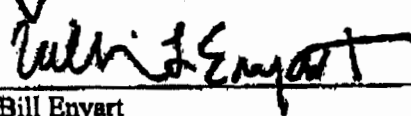
Colleen Hanabusa
Member of Congress



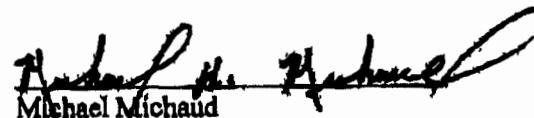
Denny Heck
Member of Congress



John Larson
Member of Congress



Bill Enyart
Member of Congress



Michael Michaud
Member of Congress



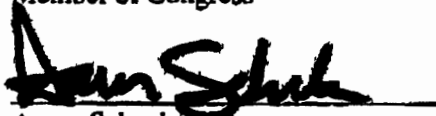
Tulsi Gabbard
Member of Congress



Ben Ray Lujan
Member of Congress



Jason Smith
Member of Congress




Aaron Schock
Member of Congress





Collin Peterson
Member of Congress



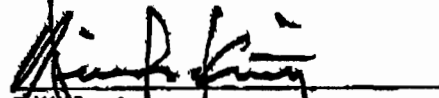
David Price
Member of Congress


Emanuel Cleaver
Member of Congress


Jim McDermott
Member of Congress


Rick Crawford
Member of Congress


Carol Shea-Porter
Member of Congress


Bill Keating
Member of Congress


Bobby Scott
Member of Congress

FROM THE OFFICE OF:

CONGRESSMAN
TOM LATHAM
REPRESENTING IOWA'S THIRD DISTRICT

Washington, DC Office
2217 Rayburn HOB
Washington, D.C. 20515

To Laura VaughnFax # 202-501-1519

With _____

Date 12/19/2013Pages including cover 6

From:



IAN MANZANO
LEGISLATIVE AIDE

2217 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-6470

IOWA CONGRESSMAN TOM LATHAM

IAN.MANZANO@HATHOUSE.GOV

Comments:

Letter sent to Administrator McCarthy yesterday.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

March 28, 2014

The Honorable Steve King
U.S. House of Representatives
Washington, DC 20515

Dear Congressman King:

Thank you for your letter dated December 18, 2013, about the rulemaking titled, *2014 Standards for the Renewable Fuel Standard Program*, to Office of Management and Budget (OMB) Director Sylvia M. Burwell, United States Department of Agriculture (USDA) Secretary Tom Vilsack, and Environmental Protection Agency (EPA) Administrator Gina McCarthy. They have asked me to respond on their behalf. Your letter encouraged the Administration to develop a proposed rule for the 2014 volumes under the Renewable Fuel Standard that would support a current-year projected U.S. biodiesel production of 1.7 billion gallons.

On August 30, 2013, EPA submitted a draft of its proposed rule to the Office of Information and Regulatory Affairs (OIRA) for our review under Executive Orders 12866 and 13563. OIRA concluded its review on November 15, 2013. For the proposed rule, EPA developed several methodologies for evaluating the expected availability of qualifying renewable fuels as well as factors that in some cases limit supplying those fuels to the vehicles and equipment that can consume them. Based on that analysis and use of its waiver authorities, EPA proposed reductions from the statutory levels for the 2014 volumes of cellulosic biofuel, advanced biofuel, and total renewable fuel. EPA also proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but has requested comment on whether to raise the biomass-based diesel volume requirement. EPA has also requested comment on many aspects of the proposed rule, including the methodologies used to develop the proposed volumes, and will consider your input and all comments received as it works to develop a draft final rule. OIRA and USDA will also take your input under consideration during interagency review of the draft final rule.

Thank you again for sharing your important perspective on this rulemaking. If you or your staff have any questions, please contact Kristen J. Sarri, Associate Director for Legislative Affairs, at (202) 395-4790.

Sincerely,

Howard Shelanski
Administrator
Office of Information and Regulatory Affairs

cc: The Honorable Tom Vilsack, USDA
The Honorable Gina McCarthy, EPA

Congress of the United States
Washington, DC 20515

January 15, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, Northwest
Washington, D.C. 20460

Dear Administrator McCarthy,

We are writing to request a sixty day extension of the comment period for the Environmental Protection Agency's proposed rule titled Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units (RIN 2060-AQ91).

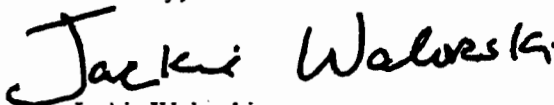
Given the 2.5 million comments EPA received for the previous version of this rule and the many stakeholders who could be affected, we believe a comment period extension is appropriate.

As you know, the EPA's actions have far-reaching implications, and this proposed rule affects not only coal and natural gas companies but also energy-intensive industries like manufacturing and construction as well as average American families trying to pay their electric bills.

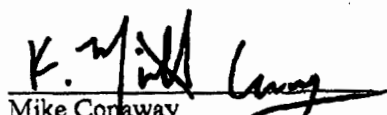
Given that nearly forty percent of electricity in the United States is generated by coal, it is especially important to carefully consider both the short- and long-term ramifications of this proposal. In some states nearly ninety percent of electricity is coal-powered, so consumers could be especially hard-hit. We have already heard an outpouring of concern from constituents alarmed about this proposal's impact on energy affordability, job creation, and long-term economic growth. Allowing stakeholders additional time to comment will ensure those wishing to share their views are able to do so and will enable the EPA to more fully consider public opinion.


Thank you for your attention to this matter. We look forward to working with you to develop commonsense policies that protect our precious natural resources while creating jobs, lowering costs, and boosting our economy.

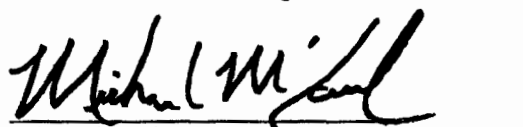
Sincerely,



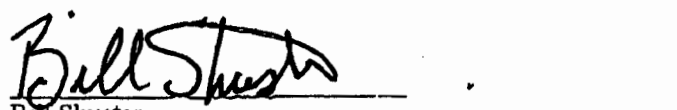
Jackie Walorski
Member of Congress

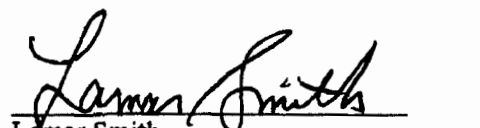

Mike Conaway
Chairman, Committee on Ethics


Sam Graves
Chairman, Committee on Small Business


Michael McCaul
Chairman, Committee on Homeland Security



Hal Rogers
Chairman, Committee on Appropriations



Bill Shuster
Chairman, Committee on Transportation and Infrastructure


Lamar Smith
Chairman, Committee on Space, Science, & Technology


Nick Rahall
Ranking Member, Committee on Transportation and Infrastructure


Robert Aderholt
Member of Congress

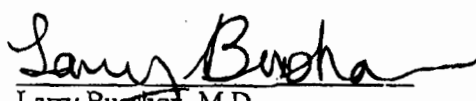

Andy Barr
Member of Congress

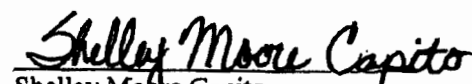

Joe Barton
Member of Congress

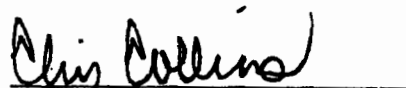

Marsha Blackburn
Member of Congress


Susan Brooks
Member of Congress



Paul Broun, M.D.
Member of Congress



Larry Bueshon, M.D.
Member of Congress



Shelley Moore Capito
Member of Congress

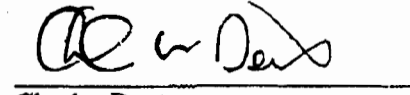

Chris Collins
Member of Congress


Doug Collins
Member of Congress

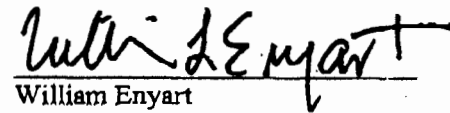

Kevin Cramer
Member of Congress

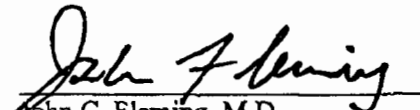

Steve Daines
Member of Congress



Rodney Davis
Member of Congress



Charles Dent
Member of Congress

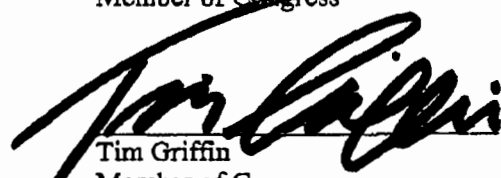

Sean Duffy
Member of Congress



William Enyart
Member of Congress

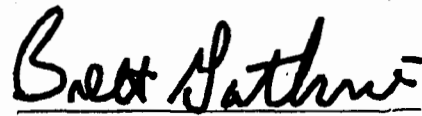

John C. Fleming, M.D.
Member of Congress

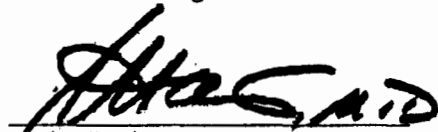

Bill Flores
Member of Congress

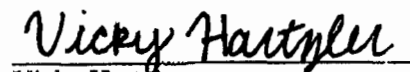

Raul Gossar, D.D.S.
Member of Congress

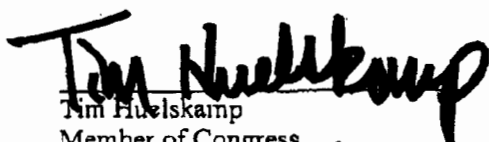

Tim Griffin
Member of Congress



H. Morgan Griffith
Member of Congress

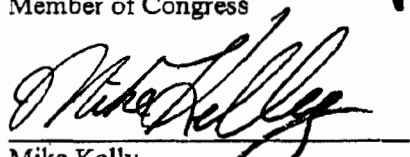

Brett Guthrie
Member of Congress

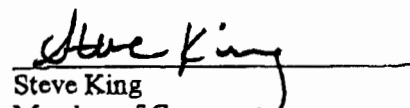

Andy Harris
Member of Congress


Vicky Hartzler
Member of Congress


Tim Huelskamp
Member of Congress


Bill Johnson
Member of Congress



Mike Kelly
Member of Congress

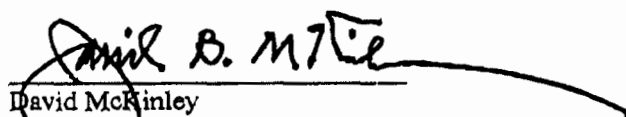

Steve King
Member of Congress



 Jack Kingston
 Member of Congress

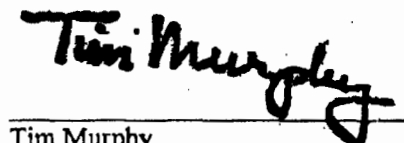

 Doug Lamborn
 Member of Congress


 Billy Long
 Member of Congress

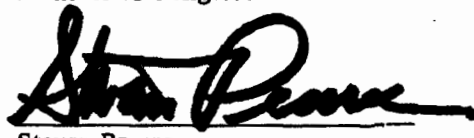

 Thomas Massie
 Member of Congress


 David McKinley
 Member of Congress

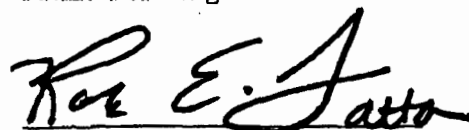

 Luke Messer
 Member of Congress


 Tim Murphy
 Member of Congress



 Rich Nugent
 Member of Congress

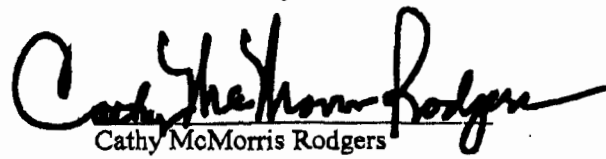

 Stevan Pearce
 Member of Congress

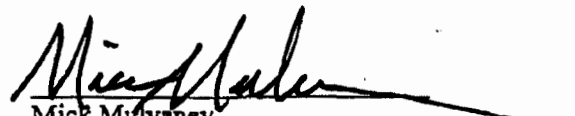

 Adam Kinzinger
 Member of Congress

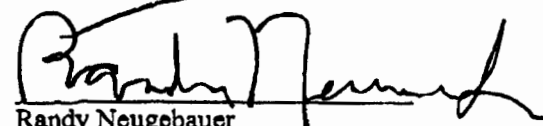

 Robert Latta
 Member of Congress

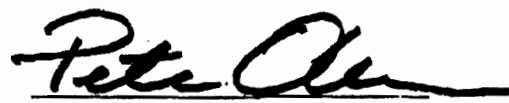

 Cynthia Lummis
 Member of Congress



 Jim Matheson
 Member of Congress


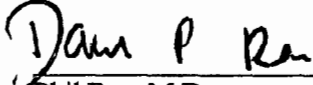
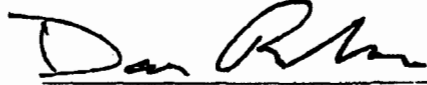
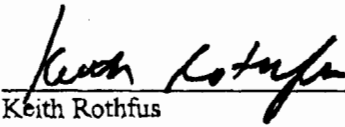
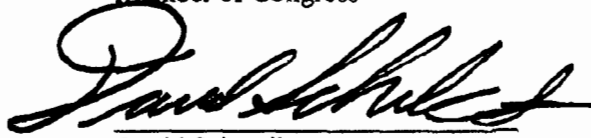

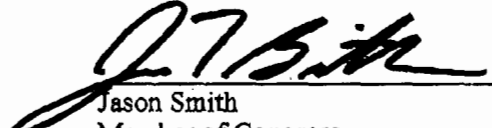
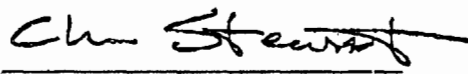
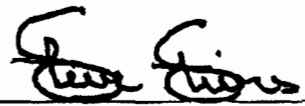
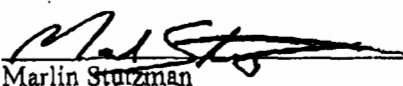
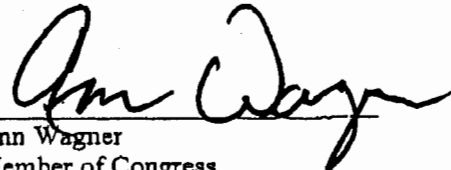
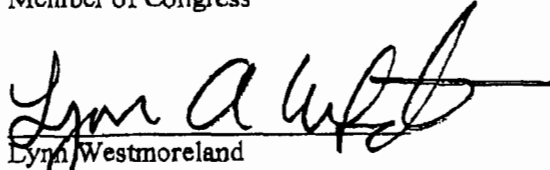
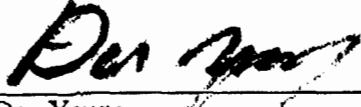
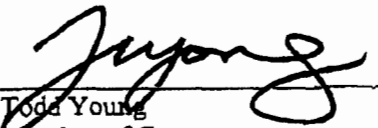
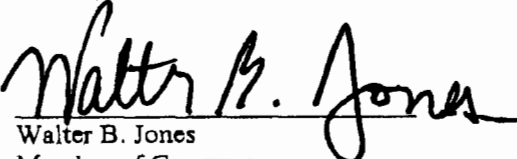

 Cathy McMorris Rodgers
 Member of Congress


 Mick Mulvaney
 Member of Congress


 Randy Neugebauer
 Member of Congress


 Pete Olson
 Member of Congress


 Trey Radel
 Member of Congress


Jim Renacci
Member of Congress
Phil Roe, M.D.
Member of Congress
Dana Rohrabacher
Member of Congress
Todd Rokita
Member of Congress
Keith Rothfus
Member of Congress
David Schweikert
Member of Congress
Adrian Smith
Member of Congress
Jason Smith
Member of Congress
Chris Stewart
Member of Congress
Steve Stivers
Member of Congress
Marlin Stutzman
Member of Congress
Glenn 'GT' Thompson
Member of Congress
Ann Wagner
Member of Congress
Lynn Westmoreland
Member of Congress
Don Young
Member of Congress
Todd Young
Member of Congress
Walter B. Jones
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 8 2014

OFFICE OF
AIR AND RADIATION

The Honorable Steve King
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman King:

Thank you for your letter of January 15, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy. In the letter, you and your colleagues request a 60-day extension of the public comment period for the proposed "Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units," also known as the Carbon Pollution Standards, which were published in the *Federal Register* on January 8, 2014. The Administrator has asked that I respond on her behalf.

The proposal included a public comment period of 60 days, which would have ended on March 10, 2014. We have now extended the public comment period on the proposed Carbon Pollution Standards for new power plants by an additional 60 days, to May 9, 2014. This will ensure that the public has sufficient time to review and comment on all of the information available, including the proposed rule, the notice of data availability, and other materials in the docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, which appears to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

May 22, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

We are writing to request that the Environmental Protection Agency provide a sufficiently long comment period on its upcoming regulation of greenhouse gases from existing power plants. The Agency should provide at least a 120 day comment period, given the significant impact this rule could have on our nation's electricity providers and consumers, on jobs in communities that have existing coal-based power plants, and on the economy as a whole.

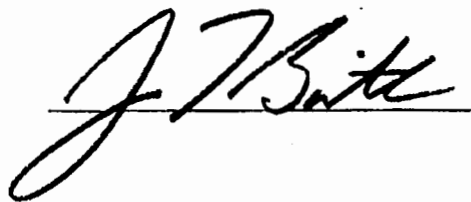
The upcoming proposal will necessarily be more complex for the industry to deal with than the proposal for new plants, and stakeholders will need time to analyze the rule and determine its impact on individual power plants and on the electric system as a whole. This analysis will be no small undertaking, especially since this will be the first ever regulation of greenhouse gases from existing power plants. Additionally, since the EPA extended the original 60 day comment period for the new plant proposal, it makes sense to provide at least the same timeline for the existing plant rule.

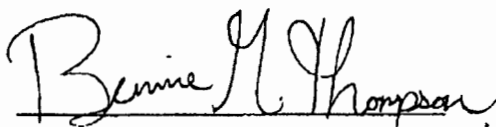
Affordable and reliable electricity is essential to the quality of life to our constituents. While we can all agree that clean air is important, EPA has an obligation to understand the impacts that regulations have on all segments of society. As one step toward fulfilling this obligation, we urge you to provide for a comment period of at least 120 days on the forthcoming new source performance standards for existing coal-based power plants.

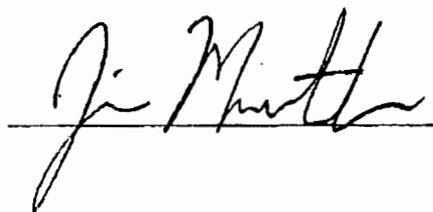
Thank you for your consideration of this request.

Sincerely,









Robert Adenholz

De Young

Jim Matheson
CPL

Mark Shulman

Susan Brooks

Kyle Sja

Ron Barber

Mac J. Lutz

John Barrow

Shane R. Lottman

Rodney Davis

Raul R. Labrador

Trey Gowdy

Jenni Sewell

Darin Moore

Andre Brucke

707776

Ann Wagon

Jackie Walvesky

K. Mitt Long

Nickie McIntyre

Hy Cramer

Frankie Banks

Tim Walberg

Paul Ben

John Kline

~~Bob Jones~~

Mike Blum

Q. W. Dutt

Sam Cole

Tom Peters

Chris Collins

Markwayne Mullin

J. Morgan

Jayong

A. Bucher IN-08

Paul Webster

Chui Buster

Lee Evers

Vicky Hartman

Rail Aug

Conrad Mylon

Christi Noem^(SD)

Jim Ha

J.P. Ding

Mike Walker

Tri Oliveri

Andreas

Wim Lemert

Bob Marshall

Sam

Reid Little

Jeff Fortenberry

Jim Jordan

Quinn Black

Steve Lockrock

Kelly Long

Ed Palumbo

Sam Lee

Alan Jordan

C.W. Bonstetter

Andy Bone

Step Lee Ford

Randy K. Weller

Alvin Scott

Ted S. Geko

Oliver G. Thompson
Hunt


J. L. Z

Bill Buz
M.C.

D. C. C.

Kurt Schneider

Don Benish

W. J. Pompeo

Tom Huelstberg

Thomas B. Bice

Robert Luttinger

Mike Simpson

J L H IL-15

Joe Wilder

Rubin Hengora

Joe Terry NE-2

M. K. H.

Don P. Joe

Don H. H.

Bill Hinzaga

Ch. H.

Frank R. W. H.

Steve W. H.

H. H. H.

Lynne Jenkins

Ken Crum

W. J. H.

Pat Tiller

J. R. Forke

Vern Buhner

James Buhner

Michael R. Jensen

Scott Garrett

Stu Chabot

Wm. Lacy Day

Butterfield

Willie D. Patten

Howard Coble

Sammy H. Davis

Adrian Smith

Tom Siskam

Virginia Fox

Everett Patten

Steve King

Amford D. Bishop Jr.

Gene Thier

Steve Chaffee

Doug Lamborn

Denny

Richard Bachman

Lynn A. Welch

Steve Pace

Blaine Lukken

Sen. M. B. Smith

Mike Rahall

Frank D. Lucas

Jack Kingston

Shelley Moore Capito

Walter B. Jones

Tim Murphy

Rob Bly

Cory Anderson

Steve Di

Ray

Chris

Mike Lygent

Ch Stewart

Brett Pathner

Tom Mann

Joyce Beatty

Jack Walowski

Rene El

Fah Vele

Pat Little

Paul A. Loran

Libe Messer

Jeff Dunn

Steve Pacey

Cynthia D. Lummis

James V. Amode

Margna Bladen

Samant Hunt

Scott R. Tipton

Tim Beath

A. G. Orr

Odd Pedersen

Chuck Flein

Steve Pacey

Y. Kilgus

BA BIL

Gregg Harper

Jeff Miller

Ann Sch

Tom Rice

Nick Sauer

Tom F. Hallego

Martha Robey

Tom Graves

Tom Catto

David P. Rose

Randy Hickey

Thomas Massie

Michael P. G. AL-3

Richard Hudson

M. Mott

TN-04

David B. M. T. E

Phil Longway

John J. Duggan Jr.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 2, 2014

OFFICE OF
AIR AND RADIATION

The Honorable Steve King
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman King:

Thank you for your letter of May 22, 2014 to Administrator Gina McCarthy, requesting that the U.S. Environmental Protection Agency include a 120-day comment period on our proposed Clean Power Plan, also known as the Carbon Pollution Guidelines for Existing Power Plants. The Administrator has asked me to respond on her behalf.

As you know, the EPA conducted unprecedented outreach while developing this proposal. We met with stakeholders from around the country, including representatives from state and local governments, electric utilities, and civil society. Among the many creative ideas and constructive comments offered were requests similar to yours, to ensure that the comment period allowed the public sufficient time to provide meaningful input on this proposed rule.

Recognizing that the proposal asks for comment on a range of issues, some of which are complex and novel, the EPA has decided to propose this rule with a 120-day comment period. This will allow the EPA to solicit advice and information from the many stakeholders and citizens who we expect will be interested in this rulemaking, giving us the best possible information on which to base a final rule. The proposed rule, as well as information about how to comment and supporting technical information, are available online at: <http://www.epa.gov/cleanpowerplan>. Comments on the proposed guidelines should be identified by Docket ID No. EPA-HQ-OAR-2013-0602.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is written over a horizontal line.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

June 26, 2014

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

We are writing to express our concern over reports that the Administration is considering issuing a final 2014 Renewable Fuel Standard (RFS) of 1.28 billion gallons for biomass-based diesel (biodiesel). Should the EPA choose not to raise biodiesel's volume above 1.28 billion gallons, we believe it will have a terrible impact on the domestic biodiesel industry, and could lead to the closure of numerous biodiesel plants, with smaller producers taking the largest impact.


The biodiesel industry has more than enough capacity to meet increased Biomass-based Diesel volumes. In its own proposed rule from 2012, the EPA projected the capacity of all registered and unregistered biodiesel facilities producing at least some product to be 2.4 billion gallons.

We are also concerned the Administration may raise the Advanced Biofuels levels under the RFS with the intention of allowing biodiesel to fill that requirement. Our understanding of such a move is that it would lead to no additional domestic production of biodiesel, and would in fact lead to increased imports of foreign fuels to supplement the Advanced Biofuels level. Rather than sending a signal for increased imports of foreign biofuels, which will seriously undermine the very rationale for the creation of the RFS in supporting domestic energy security, we should be putting forward plans that support our domestic fuel suppliers.

During your time in office you have supported the development and growth of the biodiesel industry. Now, biodiesel producers around the nation have the ability to generate nearly two billion gallons a year of the only EPA approved advanced biofuel, which is commercially available across the United States. Therefore, we believe now is not the time for a critical shift in biodiesel policy. We urgently ask that you raise biodiesel's RVO for 2014 above 1.28 billion gallons.

We look forward to your response.

Sincerely,



Collin C. Peterson



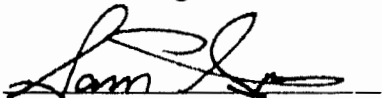
Adam Kinzinger



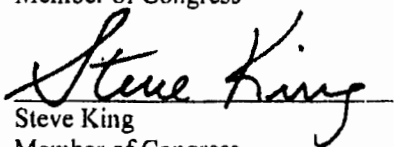
Dave Loebsack
Member of Congress



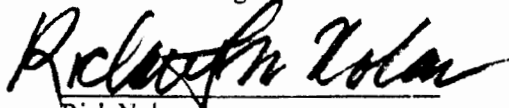
Bruce Braley
Member of Congress



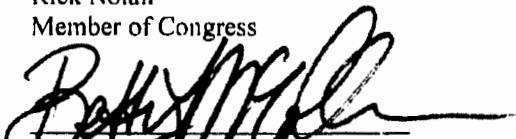
Sam Graves
Member of Congress



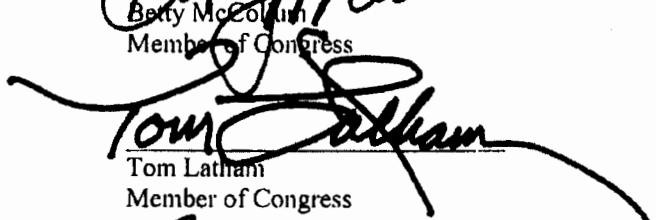
Steve King
Member of Congress



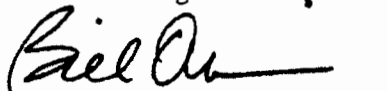
Rick Nolan
Member of Congress




Betty McCollum
Member of Congress



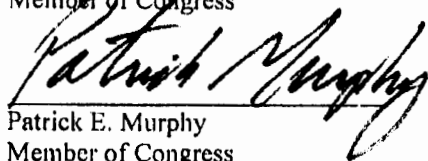
Tom Latham
Member of Congress



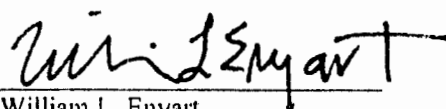
William Owens
Member of Congress



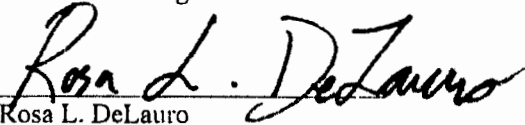
Scott Peters
Member of Congress



Patrick E. Murphy
Member of Congress



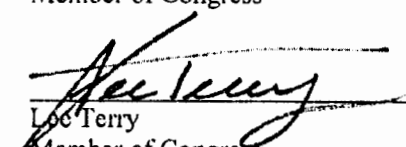
William L. Enyart
Member of Congress



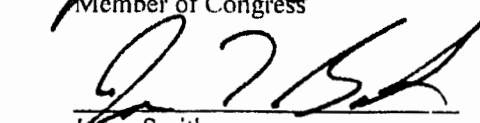
Rosa L. DeLauro
Member of Congress



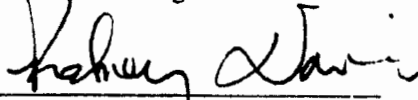
Cheri Bustos
Member of Congress



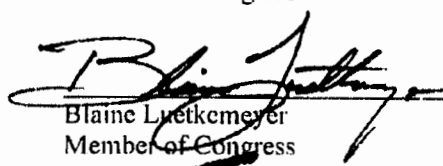
Lou Terry
Member of Congress



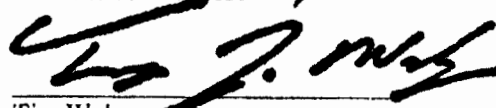
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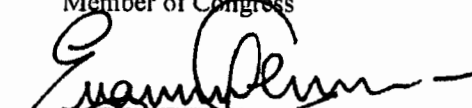
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Member of Congress



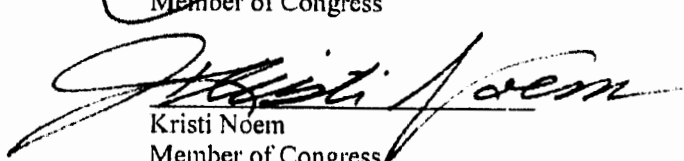
Blaine Luetkemeyer
Member of Congress



Tim Walz
Member of Congress



Emanuel Cleaver, II
Member of Congress



Kristi Noem
Member of Congress

Tulsi Gabbard

Tulsi Gabbard
Member of Congress

Ann McLane Kuster

Ann McLane Kuster
Member of Congress

John B. Larson

John B. Larson
Member of Congress

Tammy Duckworth

Tammy Duckworth
Member of Congress

Susan Davis

Susan Davis
Member of Congress

Bill Foster

Bill Foster
Member of Congress

David N. Cicilline

David N. Cicilline
Member of Congress

Jim Langevin

Jim Langevin
Member of Congress

Diana DeGette

Diana DeGette
Member of Congress

Jerry McNerney

Jerry McNerney
Member of Congress

Vicky Hartzler

Vicky Hartzler
Member of Congress

Mike McIntyre

Mike McIntyre
Member of Congress

Derek Kilmer

Derek Kilmer
Member of Congress

Adam Smith

Adam Smith
Member of Congress

Robert C. "Bobby" Scott

Robert C. "Bobby" Scott
Member of Congress

Allison Y. Schwartz

Allison Y. Schwartz
Member of Congress

Aaron Schock

Aaron Schock
Member of Congress

Mark Pocan

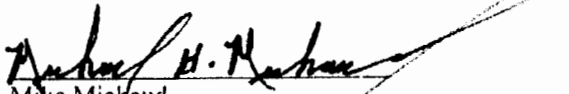
Mark Pocan
Member of Congress

G.K. Butterfield

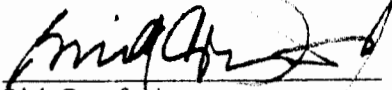
G.K. Butterfield
Member of Congress

Jeff Fortenberry

Jeff Fortenberry
Member of Congress



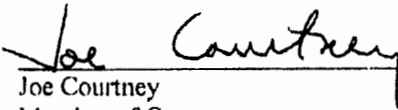
Mike Michaud
Member of Congress



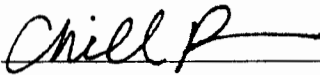
Rick Crawford
Member of Congress



Jim McDermott
Member of Congress



Joe Courtney
Member of Congress





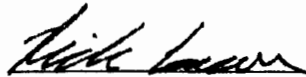
Carol Shea-Porter
Member of Congress



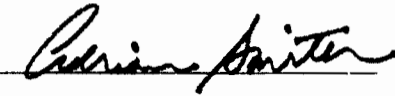
Juan Vargas
Member of Congress



Marcy Kaptur
Member of Congress



Rick Larsen
Member of Congress





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Steve King
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman King:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

The EPA sought input on many aspects of the proposed rule, including the methodology for determining volumes. The comment period for the proposal ended on January 28, 2014, and we received over 300,000 comments. We are currently in the process of reviewing those comments and assessing new data that will help inform the final rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule. Your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator